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Letter dated 31 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 12 April 2002 (S/2002/448).

The Counter-Terrorism Committee has received the attached supplementary report from Mauritius, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 16 July 2002 from the Permanent Representative of Mauritius to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to forward the response (with attachments)* of the Government of Mauritius to the questionnaire of the Counter-Terrorism Committee regarding the Mauritius report on the measures taken to implement Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) B. **Gokool**
for Jagdish **Koonjul**
Ambassador
Permanent Representative

* The attachments are on file with the Secretariat and are available for consultation.

Enclosure

Mauritius response to the questions contained in the letter from the Chairman of the Counter-Terrorism Committee dated 15 April 2002

Introduction

In December 2001, when Mauritius submitted its First Report pursuant to para (6) of Resolution 1373 (2001), the United Nations Counter-Terrorism Committee (CTC) was informed of the measures put in place despite the absence of appropriate legislation to combat international terrorism. However, the resolve of the Government of Mauritius to put in place appropriate legislation was conveyed.

The Government of Mauritius has made diligent efforts and the following pieces of legislation have now been enacted:

(i) The Prevention of Terrorism Act 2002, and
(ii) The Financial Intelligence and Anti-Money Laundering Act 2002
(iii) The Prevention of Corruption Act 2002

Administrative Measures since September 2001

The basis of the measures taken by the Bank of Mauritius as stated in **Sub-Paragraph 1a** of the Report submitted by Mauritius to the CTC in December 2001 are the regulatory function vested upon it under the legislation establishing the Bank of Mauritius (Central Bank) and the Banking Act 1988.

Measures adopted in the first instance as mentioned in the National Report of December 2001 were primarily designed to instill discipline in the Banking, Non-Bank Deposit Taking Institutions and the Money Changers and Foreign Exchange Dealers sectors by encouraging institutions falling under the jurisdiction of the Central Bank to ensure that they are not abused by perpetrators of terrorist acts.

The measures requiring those institutions to report to the Central Bank (Bank of Mauritius) any accounts or transactions which the individuals and entities mentioned in the (US) Executive Order List and the list of the UNSC Sanctions Committee on Afghanistan [(New Consolidated List) pursuant to Resolutions 1267,1269,1333 and 1390] and the list of 27 December 2001 of the Council of European Union, were means of gathering initial intelligence on those individuals and entities named in the above-mentioned lists, which would have enabled prompt action once the legislative arsenal became operational.

Similarly the Financial Services Commission which regulates activities of the Offshore Management Companies, Stock Exchange, Foreign Insurance Companies, Fund Management Companies and Trusts and International Companies under the Financial Services Development Act has gone through its data base and urged professional associations in the financial services industry to conduct appropriate checks on their files and records.

The institutions falling under the jurisdiction of the Central Bank and the Financial Services Commission **have so far not reported any transaction with the suspected individuals and entities having terrorist links.**

Prevention of Terrorism Act (POTA) 2002

The Prevention of Terrorism Act 2002 (POTA) which came in force in Mauritius on 16 March 2002, clearly prohibits any form of suspected terrorist activity. The Act provides for the prohibition of acts of terrorism and of offences

related to terrorist meetings, hostage taking, support of acts of terrorism, harbouring of terrorists and obstruction of investigations pertaining to terrorist property. These offences are visited by penalties, which duly reflect their seriousness.

The Act also allows the Commissioner of Police to apply to a Judge in Chambers to have any association of 2 or more persons engaging in the pursuit of acts of terrorism declared a **proscribed organization**. It will be an offence to belong to or to provide any form of assistance to a proscribed organization. Since it will be for a Judge to declare an entity to be a proscribed organization under Section 4 of the Act, this provision ensures absolute fairness and impartiality in the decision-making process and eliminates possibility of abuse by the Executive.

The Act further makes provision for persons listed by the UNSC, the Council of the European Union or any approved State or Organization to be declared suspected international terrorists and any listed organization to be declared international terrorist groups under Section 10 of the Act. This declaration will be reviewable by the courts under administrative law principles. Regulations are being prepared to provide for the freezing of assets and funds of suspected international terrorists and international terrorist groups.

An entire Part of the Act is devoted to terrorist cash and property, in view of the financial and monetary ramifications of modern-day terrorism. The Act also provides for seizure of suspected terrorist money and for its detention (upon an Order from a Judge in Chambers), for the attachment of property belonging to any suspected terrorist, (on application to a Judge in Chambers) and also provides for property tracking with respect to a person suspected of having committed, of committing, or of being about to commit an act of terrorism or of being in possession of terrorist property.

Consequential amendments have also been brought to the Immigration Act for suspected international terrorists to be declared prohibited immigrants or to be deprived of Mauritian citizenship.

Copy of the Prevention of Terrorism Act is at Annex I.

The Financial Intelligence and Anti-Money Laundering Act (FIAMLA) 2002

While scrutinizing the Economic Crime and Anti-Money Laundering Act of June 2000, Government found that the said legislation was insufficiently comprehensive to combat fraud and corruption and also to meet developments on both the local and international scenes. **The Prevention of Corruption Bill and the Financial Intelligence and Anti-Money Laundering Bills were therefore presented to the National Assembly and received assent on 27 February 2002. With the proclamation and entry into force of the Prevention of Corruption Act 2002, the Economic Crime and Anti-Money Laundering Act 2000 was repealed.**

The Financial Intelligence and Anti-Money Laundering Act provides for the establishment of a Financial Intelligence Unit and a Review Committee since financial intelligence gathering is crucial in the fight against money laundering and its linkage with the financing of terrorism.

Part II of the Act sets out the acts or activities which constitute money laundering offences. Section 3 which creates the offence of money laundering covers property representing proceeds of crime; "crime" has the same meaning as in the Criminal Code. Section 3 also imposes on banks, financial institutions, cash dealers and professionals such as accountants, lawyers etc, obligations to take such measures as are reasonably necessary to prevent their services being used as a channel for money laundering.

Section 4 and 5 of the Financial Intelligence and Anti-Money Laundering Act 2002 re-enact the provisions relating to the offences of conspiracy to commit the offence of money laundering and payment in cash in excess of a specified amount.

Section 9 of the Act provides for the establishment of the Financial Intelligence Unit, which will be essentially a central intelligence gathering Unit to compile information about money laundering activities and

other proceeds of crime and make it available to the investigative authorities. Previously suspicious transaction reports were made to different bodies.

Furthermore, the Financia! Intelligence Unit will benefit from "Mutual Assistance" once it becomes a Member of the EGMONT Group which consists of Financial Intelligence Units from over 50 countries and has as objective the improvement of support for its members' national anti-money laundering program and involves inter-alia the expansion and systemization of financial intelligence information and training of investigative personnel.

The Review Committee, whose Chairperson shall be a professional of long standing legal or judicial experience assisted by two members of high repute, shall consider whether to disseminate information from the FIU to investigatory or supervisory authorities. The Review Committee may.

(i) consent to the dissemination of information by the FIU to the investigatory or supervisory authorities with a view to determination of any criminal liability and the prosecution of, or the action against, the persons accordingly; or

(iii) refer the information back to the FIU with a view to determining whether supporting information can be found which would justify a subsequent reference to one of the investigatory or supervisory authorities.

This Act further provides for the exchange of financial information between supervisory authorities and mutual assistance among countries in relation to money laundering and suspicious transactions.

Copy of the Financial Intelligence and Anti-Money Laundering Act is at Annex II

Prevention of Corruption Act (POCA) 2002

This Act introduces new corruption offences, punishable with severe penalties, to more effectively combat the scourge of corruption.

The Act further provides for the creation of a new institution known as the Independent Commission Against Corruption (ICAC) in replacement of the Economic Crime Office with power to:

(i) detect and investigate corruption offences;

(ii) investigate money laundering offences;

(iii) better educate the public on the evils of corruption.

The Independent Commission Against Corruption is fully operative in Mauritius as from 1 June 2002 and has taken over all investigative functions of the former Economic Crime Office

Moreover the Prevention of Corruption Act 2002 provides for power of restraint and forfeiture of the proceeds of corruption and money laundering and for obtention and provision of assistance from and to Foreign States and for Extradition.

Copy of the Prevention of Corruption Act 2002 is at Annex III

Sub-Paragraph 1(b):

The Economic Crime and Anti-Money Laundering Act appears to be particularly comprehensive in terms of dealing with activities designed to conceal the source of 'tainted funds'. However, it does not appear at this stage to address the question of funds, of whatever origin, that are destined for criminal, especially terrorist, purposes. Are there any plans to extend its operation to cover such funds or to introduce any other legislation to address the problem of terrorist financing?

As stated above, the Economic Crime and Anti-Money Laundering Act was repealed with the entry into force of the Prevention of Corruption Act 2002 on 1 April 2002.

However the question of funds destined for criminal, specially terrorist purposes are extensively dealt with in Section 11 of the Prevention of Terrorism Act 2002 in relation to suppression of financing of international terrorism and in Part III which deals **inter-alia** with terrorist funding, terrorist cash and terrorist property irrespective of their origin.

Sub-Paragraph 1(c):

The Report states that the Supreme Court is able to order the freezing of assets under the Economic Crime and Anti-Money Laundering Act despite the fundamental right in the Mauritius Constitution to protection from deprivation of property. Does the abrogation of that fundamental right that is implicit in that statement present any practical difficulties for the effective freezing of assets in order to meet the requirements of the Resolution? For example, does the Constitution permit an abrogation of the fundamental right but only for a limited time, thereby giving rise to a need for periodic renewal of temporary legislation? Or does the freezing legislation depend for its effectiveness on meeting some test laid down in the Constitution that might be subjected to particularly narrow interpretation?

The freezing of assets under section 25 of the Economic Crime and Anti-Money Laundering Act is available in relation to pending proceedings for "a money-laundering offence or any economic offence". Does the concept of "economic offence" extend to offences in which the intended use is the distinguishing characteristic, particularly if the economic proceeds are intended for use in support of criminal (and especially terrorist) activities? Can the law also be applied in the case of the financing of terrorism? Given that most money-laundering laws enacted worldwide have so far concentrated on the source rather than the destination of funds, the CTC would be grateful to know Mauritius intends to extend the Economic Crime and Anti-Money Laundering Act to deal with financial transactions related to the financing of criminal activities, particularly terrorist activities.

As stated above, the Economic Crime and Anti-Money Laundering Act was repealed with the entry into force of the Prevention of Corruption Act 2002 on 1 April 2002 and therefore the concept of "economic offence" is no longer relevant as has been adequately addressed by the POCA, POTA and FIAMLA.

Section 62 of the Prevention of Corruption Act 2002 now provides for the freezing of proceeds of corruption and money laundering while Sections 13 and 16 of the Prevention of Terrorism Act 2002 relate to the detention of terrorist cash and attachment of property related to terrorist activities. In addition, regulations may be made under Section 10 of the POTA to provide for the freezing of assets of any suspected international terrorist or international terrorist group.

In respect of the POCA, the Order will be issued by the Supreme Court, on an application by the Director of Public Prosecutions. In respect of the POTA, the Order would be made by the Judge in Chambers.

Section 8(4) (iv) of the Constitution of Mauritius allows the law to provide for "deprivation of property" in the execution of orders of courts.

Section 11 of the POTA explicitly deals with the suppression of financing of international terrorism and Part III of same deals with seizure and detention of terrorist cash, terrorist funding, attachment of terrorist property and property tracking.

Section 3 of the FIAMLA also deals with the possession, concealment, disguise etc in part or indirectly with the proceeds of any crime.

Sub-Paragraph 1(d):

The offences and the supervisory mechanism described in relation to this sub-paragraph appear to be aimed at money-laundering and foreign exchange matters and, perhaps, matters related to prudential supervision (for example, of insurance companies and superannuation funds), rather than matters connected with terrorism and other criminal purposes not specifically economic in character. What, for these purposes, constitute 'suspicious transactions?' Does the proposed legislation address this question?

Assuming the eventual application of section 21 of the Economic Crime and Anti-Money Laundering Act to offences relating to the financing of terrorism, is the special exception in subsection (3) relating to legal professional privilege considered justified in such cases or is it proposed that the operation of this sub-section be limited?

Does Mauritius have any provisions for regulating alternative money transfer agencies? Please outline them.

How does the financial tracking system ensure that funds received by bodies such as charitable associations are not diverted from their stated purposes to terrorist activities?

The activities covered under (1d) of the UNSC Resolution 1373 have been dealt with in the Prevention of Terrorism Act 2002 and breaches thereof would constitute a crime under that Act.

Under the Financial Intelligence and Anti-Money Laundering Act 2002, dealings in the proceeds of terrorism will amount to money laundering offences.

Suspicious transactions in respect of terrorism are now dealt with in the Financial Intelligence and Anti-Money Laundering Act 2002 as defined in Section 2 of the FIAMLA.

All money transfer agencies are regulated in Mauritius.

Accordingly, money changers and foreign exchange dealers are regulated under the Foreign Exchange Dealers Act 1995. Banks and deposit taking institutions are regulated under the Bank of Mauritius Act and the Banking Act 1988 and Non-Bank Financial service providers are regulated under the Financial Services Development Act 2001.

As regards charitable institutions, Guidance Notes have been issued by the Regulator to the operators in the Banking and Financial sectors laying down guidelines in that respect. ***A copy of the relevant part of the Guidance Notes is at Annex IV.***

Sufficient safeguards have been provided for in the Registrar of Associations Act 1982 with respect to the collection and expenditure of funds. The Registrar is moreover empowered to inspect and audit the books of a registered association and its bank and cash balances. ***Copy of the Registrar of Associations Act is at Annex V.***

Further it is to be observed that the term ***"person"*** used in the Prevention of Terrorism Act 2002 captures **charitable institutions**.

The provision relating to legal professional privilege, [Section 21(4)] in the Economic Crime and Anti-Money Laundering Act (2000) which has been repealed, has been re-enacted in the FIAMLA [Section 14(2)]; the proviso is considered adequate (i.e. whenever knowledge of the transaction has been communicated to a law practitioner with a view to the furtherance of a criminal or fraudulent purpose, the law practitioner will be required to report the transaction).

Sub-paragraph 2(a):

The proposed Anti-Terrorism Bill, Financial Intelligence Unit Bill and Criminal and Related Matters (Mutual Assistance) Bill appear to be relevant to the implementation of all 3 operative paragraphs of the Resolution. Please outline the content of those Bills and report on the progress of their passage and implementation.

What legislative and administrative controls apply in Mauritius to the export and import of firearms?

Please refer to copy of the Prevention of Terrorism Act 2002 proclaimed and which came into effect as from 16 March 2002 is attached at **Annex I and as outlined at Page 2**

Please refer to copy of the Financial Intelligence Unit and Anti-Money Laundering Act 2002 which has been proclaimed on 10 June 2002 is at **Annex II and as outlined at Page 3**

The Programme for the administrative and legislative controls relating to firearms are aimed at ensuring a more effective arms control, monitoring existing stocks, strengthening import and export control measures and reducing surplus arms and preventing and detecting illicit trafficking. Please see **Control Measures and copy of the Firearms Act at Annex VI.**

It should be pointed out that the Firearms Act is being reviewed to be more comprehensive and to call for more stringent measures.

Sub-Paragraph 2 (b):

Does Mauritius have a body that specializes in counter-terrorism, or is this the responsibility of a number of services or agencies? In the latter case, how is co-ordination between these different entities effected?

Does each agency define its strategy independently, or does it carry out activities that have been decided at a higher level? Who determines this policy and, if applicable, the distribution of tasks among the agencies?

The Republic of Mauritius does not have a body that specializes in counter-terrorism. There are a number of agencies involved in monitoring and reacting to Counter-Terrorism. Relevant Divisions in the Prime Minister's Office define and coordinate actions taken at the level of the Ministry for Home Affairs.

Sub-Paragraph 2(d):

What is the extent of the competence of the courts of Mauritius to deal with terrorist acts, or preparations for terrorist acts, that occur outside its territory?

Are the relevant provisions of the Penal (Criminal) Code of Mauritius applicable in all of the following circumstances:

- ***Acts committed outside Mauritius by a person who is a citizen of, or habitually resident in, Mauritius (whether that person is currently present in Mauritius or not);***

- ***Acts committed outside Mauritius by a foreign national who is currently in Mauritius?***

Section 30 of the Prevention of Terrorism Act 2002 provides that a Mauritian Court shall have jurisdiction to try an offence and inflict the penalties specified in the Act where the act constituting the offence under sections 3,4,5,6,7,11,12,14 and 15, **has been done or completed outside Mauritius,** and

(a) the victim is a citizen of the Republic of Mauritius **or** has an effective link with Mauritius or is dealing with **or** on behalf of the Government of Mauritius;
(b) the alleged offender is in Mauritius; **or**
(c) the alleged offender is in Mauritius, and Mauritius does not extradite him.

Sub-Paragraph 2 (e):

Please outline the main provision of Mauritian legislation relating to immigration control and the granting of the right of asylum which give effect to this sub-paragraph. How do the provisions prevent criminal groups abusing those provisions?

The Immigration Act regulates the entry and stay of non-citizens in Mauritius.

The Immigration Act provides for the establishment of list of prohibited immigrants who shall not be admitted to Mauritius especially in relation to persons who are involved in criminal activities, engaged in the traffic of drugs, or reasonably suspected to be engaged in any subversive activity of any kind directed against Mauritius or detrimental to the security of Mauritius or any friendly state.

The Immigration Act also provides for the issue of residence permits and refusal of admission to Mauritius and prevention of unauthorized disembarkation and for powers to inspect vessels to examine passengers and members of the crew and for detention for the purpose of being removed from Mauritius.

The Immigration Act does not make provision for asylum. In fact Section 8 of the Immigration Act has been amended by POTA to include non-citizens who are declared suspected international terrorists as Prohibited Immigrants.

Sub-Paragraph 2(f):

Could Mauritius please outline the proposed Criminal and Related Matters (Mutual Assistance) Bill and report on progress with its enactment and implementation.

The Criminal and Related Matters Mutual Assistance Bill has not been presented as of date to the National Assembly. However, Part IV of the Prevention of Terrorism Act 2002 and Part VI of the Financial Intelligence Unit and Anti-Money Laundering Act 2002 adequately address the issue, in so far as terrorism and money laundering are concerned.

Sub-Paragraph 2(g):

Please provide information on the mechanism for inter-agency cooperation between the authorities responsible for narcotics control, financing tracking and security with particular regard to the border controls preventing the movement of terrorists.

The Commissioner of Police is represented on the Narcotics Bureau and he has the operational responsibility for the Anti-Drugs and Smuggling Unit and the Passport and Immigration Office. The subject of Internal Security and Law and Order is in the portfolio of the Prime Minister and under the responsibility of the Secretary for Home Affairs in the

Prime Minister's office. Supervision of the Police Department rests with the Home Affairs Division of the Prime Minister's Office.

The Mechanism which exists for a unified approach on the customs side is as follows:

The Mauritius Customs and Excise Department is connected through the CEN(Customs Enforcement Network) to a worldwide database developed by the World Customs Organization on all narcotic seizures and commercial frauds effected at the international level. This provides the Customs and Excise Department with useful information in its enforcement action and development of strategies to fight more effectively narcotic trafficking and other cross-border crimes.

The Customs and Excise Department has a long-standing cooperation with the Mauritian Police through regular meetings at managerial and operational levels with a view to pool resources and operational intelligence in the fight against drug smuggling and cross-border crimes. A Memorandum of Understanding has been signed by the two agencies to formalize this cooperation.

A Memorandum of Understanding has also been signed between the National Airline Company (Air Mauritius) and the Customs and Excise Department for mutual assistance and cooperation in the fight against illicit activities, in particular, drug trafficking at the border in respect of passengers and manifested cargo. Similar MOU is envisaged to be signed with the trade and other organizations involved in the cargo and travel businesses.

Sub-paragraph 3(a) and (b):

Please report on any developments in the field of cooperation and exchange of information with other countries.

The Mauritian Police cooperates internationally in respect of the exchange of criminal information and police cooperation through Interpol Channels. The Mauritian Police has also concluded police cooperation agreements which can be used to obtain cooperation in terrorism investigations. For example the Agreement on Mutual Cooperation in the Field of Crime Combating, concluded between the 14 SADC Member-States provides for cross-border investigations and operations in general and even undercover operations and can therefore be used for counter-terrorist investigations and operations.

Sub-Paragraph 3 (c):

Please provide a list of the relevant bilateral and multilateral agreements to which Mauritius is party.

A new Extradition Act and new legislation on Mutual Legal Assistance in Criminal Matters will be prepared soon to envisage multilateral and bilateral cooperation in Extradition and Assistance in criminal matters taking into account the instruments currently under negotiation at the level of the SADC and the OAU.

Before the independence of Mauritius, UK, the former colonial power, had entered into Extradition Treaties with several countries. These Treaties were extended to Mauritius by virtue of the UK Extradition Acts 1870-1935. After Independence, Mauritius succeeded to the Treaties by Virtue of the Extradition Act 1970. Moreover, the Extradition Act also applies to all Commonwealth countries.

Mauritius has enacted legislation to give effect to the Scheme for the transfer of convicted offenders within the Commonwealth as agreed by the Commonwealth Law Ministers at their Meeting in Harare in 1986.

Mauritius has already incorporated the Strasbourg (EU) Convention related to transfer of prisoners in its law viz. the Transfer of Prisoners Act 2001. Arrangements are being made for Mauritius to become a party to the Strasbourg Convention.

Bilateral Agreements have been signed with France and Madagascar regarding mutual assistance between Customs and Excise Department and administrations of both countries for the prevention, detection and repression of all customs offences, including drug trafficking. Mauritius is a contracting party to the Nairobi Convention under the aegis of the World Customs Organization, which is a multilateral arrangement for assistance, especially for the exchange of information and surveillance of suspected people, goods, or means of transport in the fight against all types of customs offences and drug trafficking. This Convention which dates back to 1977 is presently subject to review by the World Customs Organisation to take into account modern needs of security and organized crimes.

Sub-Paragraph 3(d)and (e):

The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Mauritius in:

- ***becoming a party to the instruments to which it is not yet a party; and***
- ***enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.***

Please outline how Mauritius has incorporated the conventions and protocols to which it is party into domestic law.

Could Mauritius please indicate whether the crimes mentioned in the relevant international conventions have been included as extraditable offences in the bilateral extradition treaties, which Mauritius has concluded with other countries.

Status of Signature, Ratification and Accession to International Treaties related to Terrorism

The Committee of Senior Officials set up by the Government of Mauritius to monitor implementation of UNSC Resolution 1373 has initiated appropriate actions for urgent consideration of the outstanding Conventions i.e conventions not yet signed or ratified/acceded to by the Government of Mauritius.

The Committee of Senior Officials is coordinating with various ministries and departments to make recommendations to the Government.

Security Council sanctions have to date been enforced within the framework of existing legislation and other legislative machinery. A review will be made with the aim of strengthening the legislative framework for the implementation and administration of international sanctions.

Sub-Paragraph 3(f):

Are there any legal or other means available to prevent persons linked to terrorist acts seeking asylum in Mauritius?

As stated in sub-paragraph 2 (e) it is not the policy of the Government of Mauritius to grant asylum. Under the Immigration Act (as amended following the adoption of the Prevention of Terrorism Act), persons who are declared as suspected international terrorists are declared Prohibited Immigrants.

Sub-Paragraph 3 (g):

Is it possible under Mauritius law for requests for extradition of alleged terrorists to be refused on political grounds?

It is possible under Mauritian law for requests for extradition of alleged terrorists to be refused on political grounds as provided for in Section 7(1) of the Extradition Act 1982.

Paragraph 4:

Has Mauritius addressed any of the concerns expressed in paragraph 4 of the Resolution?

Mauritius has adhered to the following International and Regional Conventions:

International Conventions/Treaties

1972 Convention on the Prohibition of the Development, Production, stockpiling of Bacteriological (Biological) and Toxic Weapons and their Destruction was *signed on 10 April 1972 and ratified on 7 August 1972*

1980 UN Convention on Prohibition and Restriction on the Use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects, was *acceded to on 6 May 1996*

1980 Protocol I on Non-Detectable Fragments was *acceded to on 6 May 1996*

1980 Protocol II on Prohibition and Restriction on the Use of Mines, Booby Traps and Other Devices was *acceded to on 6 May 1996*

Mauritius signed the Chemical Weapons Convention in January 1993 and ratified it in February 1993. As per provisions of the Convention, a National Authority has been set up and is responsible for the enforcement of the Convention in Mauritius. A Chemical Weapons Convention Bill is at the drafting stage.

The 1995 Protocol (to the CCW of 1980) on Blinding Laser Weapons is still under consideration and so is the 1996 Amended Protocol II (to the CCW of 1980) on Prohibitions or restrictions on the Use of Mines, Booby Traps and Other Devices. Legislation will have to be enacted to give full effect to the 1980 UN Convention on Certain Conventional Weapons and its Protocols and is currently being addressed.

1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction was *signed and ratified on 3 December 1997-enacted through the Anti-Personnel Mines (Prohibition) Act 2001*

In June 1998 Mauritius signed the Rome Statute of the International Criminal Court and *ratified the same on 5 March 2002*. Drafting Work pertaining to the implementation of the provisions of the Rome Statute is being undertaken

On 12 December 2000 Mauritius signed the Palermo Convention — UN Convention against Transnational Crime. Actions have been initiated to examine its implications in respect of existing legislations, prior to ratification.

Mauritius is also party to the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

Regional and Sub-Regional Conventions and Treaties

Mauritius is also party since 1992 to the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes Within Africa and the Africa Nuclear Weapon Free Zone (Treaty of Pelindaba) since 1996.

In December 2000, Mauritius fully endorsed the Bamako Declaration on an African Common position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons which inter-alia calls for national and

regional programmes for preventing, controlling and eradicating illicit proliferation, circulation and trafficking of small arms and light weapons in Africa.

In 2001 Mauritius became party to the SADC Protocol on the Control of Firearms, Ammunition and Other Related Materials.

Within the SADC region, at its Extraordinary Summit held in Blantyre, Malawi in January 2002, a SADC Declaration on Terrorism was adopted which urged Member-States to enact appropriate legislation to combat terrorism and to share information in this regard. It should also be pointed out that the SADC Inter-State Defence and Security Committee has been directed to develop appropriate legal instruments and a Plan of Action to combat terrorism at the regional level.

REQUEST FOR ASSISTANCE

TECHNICAL ASSISTANCE REQUIRED
FOR IMPLEMENTATION OF UNSC RESOLUTION 1373 (2001)

1. BANKING SECTOR

The Central Bank (Bank of Mauritius) participated in a World Bank/IMF Meeting on "Technical Assistance on Anti-Money Laundering and Combating Financing of Terrorism" in April 2002, with donor agencies, Regional Development Banks and the FATF Style Regional Bodies, during the course of which, it was agreed that for the sake of good order and coordination, requests for Technical Assistance would be channeled through the FATF Style Regional Bodies wherever they exist.

At the above-mentioned Meeting, it was agreed by the Eastern and Southern Africa Anti-Money Laundering Group(ESAAMLG- of which Mauritius is a Member along with other 12 countries) that Member-States would complete a questionnaire with a view to assessing their technical needs.

The Bank of Mauritius has solicited Technical Assistance for the drafting of complete regulatory/administrative instructions/ guidelines for establishing an effective Anti-Money Laundering and Counter Financing of Terrorism regimes. Besides assistance has been called for upgrading of training facilities, equipment in training institutions, training of trainers and building up/improving capacity-cum-expertise for developing and updating training courses.

The Bank of Mauritius has identified the following as potential areas of Technical Assistance

(i) Forensic Accounting to detect Fraud and Money-Laundering
(ii) Real Time Application of Money-Laundering Techniques
(iii) Understanding and Investigating Financial Underpinnings of Terrorism
(iv) Identifying Networks related to Terrorism
(v) Forensic Applications in Combating Economic Fraud
(VI) International Financial Institutions Fraud and Commercial Fraud

2. FINANCIAL SERVICES SECTOR

The Ministry of Economic Development, Financial Services and Corporate Affairs (MEDFSCA) has indicated that it would require training and other assistance relating to the establishment of a Financial Intelligence Unit (FIU) in Mauritius following the proclamation of the Financial Intelligence and Anti-Money Laundering Act 2002.

The MEDFSCA would be much interested in the following training program provided by the USA in respect of Financial Law and Practice:

(i) Financial underpinning of Terrorism
(ii) Investigating Financial Underpinning of Terrorism- Senior Seminar
(iii) International Financial Institution Fraud
(iv) White Collar Crime/ Financial Crimes Seminar
(v) Money Laundering Training
(vi) Transnational Money Laundering
(vii) Money-Laundering and Financial Investigative Training
(viii) Training and Technique Application- Advanced Program
(ix) Combating Economic Crime- Advanced Seminar
(x) Money Laundering and Asset Forfeiture
(xi) Asset Forfeiture for Financial Investigation
(xii) International Asset Forfeiture and Asset Sharing
(xiii) Principles and Techniques of Financial Investigation
(xiv) Combating Economic Fraud and Counterfeiting
(xv) Forensic Applications in Combating Economic Fraud and Counterfeiting
(xvi) Cyber Crime and Cyber-Terrorism

The Financial Services Commission (FSC) which is the regulatory body for the financial services sector has identified the following areas which may be considered for technical assistance:

(i) Establishment/upgrading of the Financial Intelligence Unit
(ii) Setting up/Upgrading the database for the FIU

The Financial Services Commission wishes to be advised whether there is any particular software which the FIU might use in analyzing data. Besides the services of an expert from a country with particular experience in dealing with terrorist financing would be desirable. The Expert might assist in the establishment of proper procedures within the FIU and also conduct training with companies involved in the financial services sector.

3. HOME AFFAIRS DEPARTMENT

After an analysis of the Technical Assistance that could be available, the Prime Minister's Office, which has the portfolio for the Home Affairs and Security Department and the Police Department, would appreciate it if Technical Assistance could be provided in the following areas:

(i) Immigration Training Development Program
(ii) International Travel Document Fraud Investigations
(iii) Airport Security Management
(iv) Anti-Terrorism Executive Forum
(v) Canine Explosive Detector and Dog Handler Training
(vi) Maritime Security Management
(vii) International Post Blast Investigation Techniques
(viii) VIP Protection Training
(ix) Vital Installations Security
(x) Anti-Terrorism Urban Patrol
(xi) Criminal Justice Executive Forum
(xii) Crisis Response Team Training
(xiii) Critical Incident Management
(xiv) Explosive incident Counter Measures
(xv) Hostage Negotiations
(xvi) Major Case Management

(xvii) Maritime Law Enforcement/Small Boat Course
(xviii) Senior Crisis Management
(xix) Terrorist Crime Scene Management
(xx) Surveillance Techniques
(xxi) Civil Disorder Management
(xxii) Training by International Law Enforcement Academies- Regional- Botswana
(xxiii) Fugitive Apprehension Training
(xxiv) Train the Trainer Workshop
(xxv) Integrity/Anti Corruption Workshop
(xxvi) Response to Chemical, Biological and Radiological Events
(xxvii) Management of Disasters involving Hazardous Substances

An immediate requirement in training assistance would be in the field of anti-hijacking operations. Training of an Emergency Response Team of about 20-30 Officers to deal with hijack situations once such an aircraft has landed in Mauritius.

Under the Multi-Agency Training Assistance listed under the Section "*Police and Law Enforcement*" indicated in the US List of Technical Assistance, a course in "Port Physical Security and Port Vulnerability Assessment" could be conducted in Mauritius for the benefit of Mauritian officials as well as participants from countries of the region.

4. MINISTRY OF FINANCE AND CUSTOMS AND EXCISE DEPARTMENT

The Ministry of Finance has identified training programs offered by the US technical Assistance for the Revenue Authority, Revenue Departments and the Customs and Excise Department.

Prime request is the supply, installation and commissioning of a mobile vehicle fitted with X-ray, Scanning equipment for the detection of drugs, weapons, explosives, radioactive and bio-terrorist materials and other contrabands concealed in conventional cargo and cargo stuffed in containers.

Types of Training Courses and Programs identified

(i) Counter-Proliferation Interdiction Team Training
(ii) Overseas Enforcement Training Program
(iii) Contraband Enforcement Team Program
(iv) Passenger Enforcement Rover Team Training
(v) Port Security Program
(vi) Prevention and Control of Illicit Drugs Trafficking Aboard Vessels
(vii) Controlled Deliveries
(viii) International Firearms and Explosives Identification Training
(ix) Customs Laboratory Program

5. ATTORNEY GENERAL'S OFFICE

Technical Assistance by way of exposure and opportunities to enhance capacity in developing tools, techniques and skills in the new and post 11 September challenges in the administration of the law. In addition to the technical assistance solicited in relation to money-laundering, asset forfeiture, international fraud detection, financial investigations, the following would be also be directly relevant:

(i) Financial Underpinning of the Law on Terrorism
(ii) Transnational Judicial Assistance
(iii) International Law Enforcement Academies Training Programme

6. MINISTRY OF FOREIGN AFFAIRS AND REGIONAL COOPERATION

The Ministry of Foreign Affairs and Regional Cooperation is currently chairing a Committee of Senior Officials set up to look into the ratification, accession and implementation of international and regional conventions related to terrorism.

The Ministry understands that the Commonwealth Secretariat has existing "implementation kits" for the International Convention against the Taking of Hostages and the Conventions and Protocols on the Safety of Civil Aviation and that the Secretariat is currently updating the existing kits and developing additional kits for the remainder of the United Nations Anti-Terrorism Conventions. The Ministry intends to pursue close contacts with the Commonwealth Secretariat to avail itself of these kits for advised decision on ratification and accession and implementation of conventions.

Contacts with the Commonwealth Secretariat has indicated that the Prevention of Terrorism Act 2002 of Mauritius could serve as one of the model that can be adopted by other States, and the government of Mauritius would be pleased to share its expertise and advise on the drafting of such kind of legislation through request by other States or participation in international and regional workshops.

Training Assistance is required for the Officials of this Ministry through Counter-Terrorism Preparedness Program to facilitate policy engagement with regard to counter-terrorism and increase awareness as to the significant complexities of preventing and effectively mitigating terrorist incidents.